

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, HELD ON MAY 6, 2003.

Board Members Present:

John F. Coates, Chairman
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Brad C. Rosenberger
Carolyn S. Smith

Staff Present:

Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

INVOCATION

The invocation was presented by Rev. Richard L. "Lanny" Horton, Director of Missions, Shiloh Baptist Association.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Rosenberger led the members of the Board and audience in the Pledge of Allegiance to the Flag.

RE: AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Frank Bossio, County Administrator, asked that the following items be added to the agenda:

In the **CONSENT AGENDA**, Item p. The Board will consider a budget amendment for the Department of Social Services for additional State VIEW funds received in the amount of \$60,000 since adoption of the FY 03 budget; and

Under the **ADMINISTRATOR'S REPORT**, 1. Leased property on Route 666.

Mrs. Hansohn moved, seconded by Mrs. Smith, to amend the agenda accordingly.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

RE: MINUTES

The minutes of March 25, 2003 and April 3, 2003 special called meetings; April 1, 2003

regular meetings; and April 17, 2003 public hearing were presented to the Board for approval.

Mr. Walker moved, seconded by Mrs. Hansohn, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider a joint proclamation declaring May 2003 as Foster Care Month;
- b. The Board will consider a proclamation declaring May 11 through May 17 as National Police Week;
- c. The Board will consider a request from the Department of Parks & Recreation to approve a Resolution of Support for Virginia Outdoor Fund Grant;
- d. The Board will consider approving a budget amendment for the Department of Social Services for additional Federal WTW/PIC grant funds in the amount of \$23,575.81;
- e. The Board will consider approving a budget amendment for Department of Social Services for additional cosmetology funds in the amount of \$10,000;
- f. The Board will consider approving a budget amendment for State funds received from DMV from the sale of animal license plates for the Animal Shelter in the amount of \$760.80;
- g. The Board will consider approving a budget amendment for voluntary contributions received by the County specifically for the Animal Shelter in the amount of \$4,495.57;
- h. The Board will consider approving a budget amendment for the Sheriff's Office from funds received from an anonymous donor in the amount of \$4,000 for a Special Response Team for overcrowding in the Jail, and \$6,000 for an awards banquet for the Sheriff's Office;
- i. The Board will consider approving a budget amendment for the Sheriff's Office for fees received from the Jail Admission Fee and the Jail Weekend Fee to cover bed space at Piedmont Regional Jail in the amount of \$4,612.81;
- j. The Board will consider approving acceptance of a grant for the Sheriff's Office from the Department of Criminal Justice to be used for law enforcement equipment in the amount of \$2,567. Local match required is \$285 and will be covered from the Sheriff's budget;
- k. The Board will consider approving a budget amendment for the School System for additional State revenue received due to increase in ADM (average daily membership) in the amount of \$578,692;
- l. The Board will consider approving a request from the Sheriff's Office to submit a grant

application to the Department of Criminal Justice Services for the continuation of grant funding for a School Resource Officer at the Binns Middle School in the amount of \$33,295 of Federal funding. Local match \$11,101 from the Sheriff's budget.

m. The Board will consider a request to submit the Pre-application for funds and the Six-Year Airport Improvement Plan to the Virginia Department of Aviation. Funding 90% Federal, 8% State, and 2% local, except for certain projects which are 80% State, 20% Local;

n. The Board will consider formal acceptance of a parcel of land containing 0.5510 acres to be donated by Wayne E. and Edwin R. Lenn to be used for airport navigational equipment. Tax map/parcel No. 43/18. No local funds required;

o. The Board will consider a motion to ratify telephone polling of the Board to extend Board of Equalization Application Deadline to June 1, 2003 and to extend the BOE deadline to June 30, 2003 to conclude their business;

p. The Board will consider a budget amendment for the Department of Social Services for additional State VIEW funds received in the amount of \$60,000 since adoption of the FY 03 budget (**addition to agenda**).

Mrs. Smith asked whether local funds were required for the Virginia Outdoor Fund Grant. Mr. John Barrett, Parks & Recreation Director, replied that a 50 percent local match was required for this particular grant and explained that the funds would be used to offset costs involved in the Community Complex.

Mr. Walker moved, seconded by Mr. Lee, to accept the Consent Agenda as amended.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

SPECIAL PRESENTATIONS

Mr. Coates stepped down and announced that two special presentations would be made. He asked Mr. Bossio to review the first presentation.

RE: RECOGNITION OF CULPEPER GARDEN CLUB

Mr. Bossio stated that the Culpeper Garden Club was being honored for its contributions to the County Administration Building, as well as the Library. Mr. Coates extended the Board's sincere appreciation to the Garden Club members and presented them with a Culpeper County seal. Ms. Ashby Mitchell, representing the Garden Club, thanked the Board for the recognition.

RE: PRESENTATION OF PROCLAMATION DECLARING FOSTER CARE MONTH

Mr. Coates asked Rev. Billy Scott, Executive Assistant/Foster Home Coordinator, DSS, to come forward. Mr. Bossio read the proclamation into the record:

**PROCLAMATION DECLARING
FOSTER CARE MONTH
MAY 2003**

WHEREAS, the family, serving as the primary source of love, identity, self-esteem, and support, is the very foundation of our communities and our State; and

WHEREAS, in Virginia there are children and youth in foster care being provided with a safe, secure and stable home along with the compassion and nurture of a foster family; and

WHEREAS, foster families, who open their homes and hearts to children whose families are in crisis, play a vital role helping children and families heal and reconnect and launching children into successful adulthood; and

WHEREAS, foster homes are licensed for few children today than they were prior to 1985, resulting in a greater need for more foster families; and

WHEREAS, many youth reach their 18th birthday and "age out" of foster care, too often unprepared and without the ongoing support and guidance of caring adults; and

WHEREAS, the recently enacted John H. Chafee Foster Care Independence Program will provide additional services to young people making the transition from foster care to self-sufficient adulthood and citizenship; and

WHEREAS, there are numerous individuals, public and private organizations who work to increase public awareness of the needs of children in and leaving foster care as well as the enduring and valuable contribution of foster parents, and the foster care "system" is only as good as those who choose to be part of it;

NOW, THEREFORE, I, John F. Coates, on behalf of the Culpeper County Board of Supervisors of Culpeper County, Virginia, and Pranas A. Rimeikis, on behalf of the Town of Culpeper, do hereby proclaim May as FOSTER CARE MONTH in the Town and County of Culpeper and urge all citizens to volunteer their talents and energies on behalf of children in foster care, foster parents, and the child welfare professional staff working with them during this month and throughout the year.

/s/ John F. Coates
John F. Coates, Chairman
Culpeper County Board of Supervisors

/s/ Pranas A. Rimeikis
Pranas A. Rimeikis, Mayor
Town of Culpeper

Done this 6th day of May, 2003.

On behalf of the Town and County of Culpeper, Mr. Coates thanked Rev. Scott for his contributions in the area of foster care. Rev. Scott thanked the Board for the recognition and introduced several individuals in the audience involved with the program and recognized the

work of Chip Coleman and Lisa Peacock, DSS. He also introduced Ms. Sandra Bell, Foster Care Training Program Regional Director, who was present. Mr. Coates thanked the participants for attending and for their good work.

GENERAL COUNTY BUSINESS

RE: REQUEST FOR REIMBURSEMENT FOR LIVESTOCK KILLED BY DOG (S)

Mr. Robert M. Hornung, Animal Control Officer (ACO), informed the Board that he had received a complaint on April 8th that a calf had been killed at the Smith Farm. He explained in detail his findings and felt there were no indications the calf had been attacked by dogs since there were no bite marks. He noted that the adult dog was severely emaciated and had to be euthanized by a vet. He stated that he asked for the vet's opinion, and the vet did not believe the dog was capable of killing livestock. He repeated that there were no witnesses to substantiate that the dogs killed, injured or chased the cows.

Mrs. Lois Smith, complainant, stated that her son lived on the farm and he had heard dogs barking in the field on the night the calves were found dead. She said that she knew dogs had been on the farm for approximately two weeks prior, and she and her husband had seen the dogs chasing a calf approximately a week before, but when her husband yelled at the dogs they ran away. She said the older dog was a very thin, mangy looking German Shepherd and she was concerned that he had rabies. She related in detail her contacts with the Sheriff's Department and the Animal Control Office. She noted that after the ACO left, they found another calf dead in a corner of the field, but there were no bite marks. She said the dog warden never came back to see the calf even though they had asked him to come and examine the second calf. She said she felt she should be reimbursed by the County since there was definite proof the first calf was killed by the dogs, and the second calf was probably cornered and chased until it got winded and laid down and died. She thanked the Board for considering her claim.

Mr. Dave Maddox, County Attorney, asked Mrs. Smith if she knew who the owners of the dogs were or if any had collars or tags. Mrs. Smith stated that she had no knowledge of ownership. She said that the older dog had something that looked like a belt around its neck, but no identification.

Mr. Chase suggested that Mrs. Smith should be on the lookout for coyotes. Mrs. Smith stated she was aware of coyotes, but there had been no evidence of coyotes.

Mr. Chase expressed concern that the ACO had not see any bite marks, especially around the legs. Mrs. Smith stated that the calf had been mutilated and its face chewed off,

and she did not see any difference in that and bite marks.

Mr. Walker asked whether the other calf had been mutilated. Mrs. Smith stated that the second calf had not been torn, but had been found dead in a corner of the field where it had been chased.

Mr. Rosenberger questioned why one of the dead animals had been isolated. Mrs. Smith replied that the ACO had asked that it be moved to where the traps had been set in order to attract the dogs.

Mrs. Hansohn asked if the ACO had trapped some of the dogs. Mr. Hornung replied that he had trapped all of the dogs. Mrs. Hansohn asked what were done with the dogs. Mr. Hornung stated that the adult dog had been euthanized by the vet, and the other three would probably be offered for adoption.

Mr. Coates stated that the ACO's report indicated that he had called the Smiths to advise them there was a second dead calf in the field, but Mrs. Smith said no one came out to check the second calf. Mr. Hornung stated the Smiths were unaware there was another dead calf in the field until he notified them. He said he specifically checked and found a white calf lying on its right side, and it had no bite marks and nothing to indicate it had been chased to the point of exhaustion.

Mr. Chase moved, seconded by Mr. Walker, to reimburse the Smiths for one calf that had been mutilated.

Mr. Rosenberger pointed out that reimbursement was limited by law to \$400 per animal. Mr. Maddox confirmed that Mr. Rosenberger was correct.

Mr. Chase amended the motion to state that reimbursement not to exceed \$400. Mr. Walker agreed to the amendment.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

RE: LOCAL PLAN FOR VIRGINIA JUVENILE CRIME CONTROL ACT (VJCCCA)

Ms. Lisa Peacock, Assistant Director, Department of Social Services, presented an amended local plan for the Virginia Juvenile Crime Control Act (VJCCCA) for the Board's consideration and apologized for the lateness in providing copies to them. She explained that due to the State's deadline of May 9th, there was a short turn-around period in which to obtain approval from the Judge, Chief Probation Officer, and the Board of Supervisors. She reviewed the present status and future plans for the program. She stated that prior to FY 03, VJCCCA

allowed the County to include in its plan the ability to provide case management probation supervision services, and it covered some funds for Options, contractual services for an intensive probation officer, and a family probation officer. She noted that for FY 04, the Department of Juvenile Justice had amended a requirement for the type of services that could be funded through VJCCCA and basically eliminated the use of those funds for case management and said those funds must now be used for direct services to juveniles. She stated that she had met with Judge Somerville, the Juvenile Probation Department, and Sam Vala of Options, to discuss the plan for FY 04. She reported that the VJCCCA State appropriation was \$72,394, plus a required maintenance effort of \$1,019, which would come from the Federal RevMax project. She stated that since the funds would provide some contractual direct services to juveniles, Ms. Margie Messick, the CSA Coordinator, had been asked to assume the responsibilities of Coordinator of the VJCCCA Local Project as well, and she had agreed to assume this responsibility. She explained that the three program services for FY 04 would be (1) Intensive Probation and Parole Services, contracted out to the current vendor; (2) Administrative Funds of \$3,700 allowed under VJCCCA for operations; and (3) Supervision Plan Services for the Judge to provide for juveniles with no other funding sources. She added that the Family Probation Officer would be covered under the RevMax Project, and funding for Options would be shifted to another Federal funding source at its present level of funding. She asked for the Board's approval of the plan.

Mr. Coates stated that he applauded the work being done by the Options program as it was making a difference in the community, as well as in many young people's lives.

Mrs. Smith moved, seconded by Mrs. Hansohn, to approve the amended Virginia Juvenile Crime Control Act plan.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

RE: CONSIDERATION OF DONATION BY THE ANIMAL CONTROL DEPARTMENT

Ms. Jamie Bennett, Director of Animal Services, informed the Board that the Humane Society spent an average of \$5,000 per month to have every adoptable dog and cat spayed/neutered, which was a benefit to the County. She recommended that the money received from the Department of Motor Vehicles for the sale of animal license plates be given to the Humane Society to help offset its costs for this service.

Mr. Lee moved, seconded by Mrs. Smith, to approve the appropriation of funds

pending approval of a contract between the Animal Control Department and the Humane Society.

Mr. Maddox inquired if Mr. Lee had placed a time limit on completion of the contract and whether a cap should be placed on the amount of funding. Mr. Lee replied that he would defer to the County Administrator for a reply.

Mr. Bossio stated that the specific intent was that the cap would be those dollars received from the State from the sale of license plates specifically designated for that purpose. He said that having a contract would displace the appearance of a donation since it was actually a fee-for-service. He stated that the limit would be either the number of animals spayed/neutered or the amount of dollars received from DMV.

Mr. Rosenberger stated that he agreed with the County Attorney that the contract should be structured so that only the costs incurred would be provided to the Humane Society. Mr. Bossio explained that the funds from DMV could only be used for spaying/neutering so the County would pay whatever the bill was for that particular year. He suggested that the money be rolled over from year to year because the County would not receive it otherwise.

Mr. Walker asked if the language in the contract could reflect the reimbursement of expenses to the Humane Society. Mr. Lee suggested that the contract be referred to the Rules Committee for advice and consent, and his motion was to be interpreted that the contract would come back to the Board for approval. Mrs. Smith added that when she seconded the motion she assumed the plan was to reimburse the Humane Society.

Mrs. Smith called the question.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

RE: REFINANCING OF SERIES 2000 BOND

Ms. Valerie H. Lamb, Finance Director, informed the Board that the County had an outstanding Series 2000 Bond for school issues, which she proposed to be refinanced due to the current interest rates. She explained that all other bonds had been issued through Commonwealth of Virginia pools and could not be refinanced without the State's permission. She said the Series 2000 Bond had been issued at approximately \$8 million at 5.33 percent, and the current bond balance was about \$7.8 million. She noted that in discussions with the banking institutions on ways to refinance this bond in order to save County money in the long run, various scenarios of timing on the repayment ranged from 15 years to 18 years. She

indicated that with any period shorter than 18 years, the current payoff on the bond, there would be a balloon payment at the end, with a present value savings of anywhere between \$258,000 to \$386,000. She said it could also be refinanced for 18 years at 3.72 percent interest, with no balloon at the end and a net present value savings of approximately \$256,000. She asked the Board for its recommendation and asked that a savings cap be indicated.

Mrs. Hansohn asked for clarification on the reason why the other bonds could not be refinanced. Ms. Lamb explained that the other bonds were for issues through a pool with the Commonwealth of Virginia and included other localities, and the County would be at the State's mercy regarding refinancing.

Mr. Chase moved to authorize the refinancing of the Series 2000 Bond. Seconded by Mr. Walker.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Coates recessed the meeting at 10:55 a.m.

Mr. Coates called the meeting back to order at 11:10 a.m.

RE: DEVELOPMENT AGREEMENT – RICHMOND AMERICAN HOMES OF VIRGINIA, INC.

Mr. John Egertson, Planning Director, stated that the Board would be considering a 93-lot subdivision proposed by Richmond American Homes at its evening meeting. He noted that this development had been pending for some time, but Lowe's had provided the necessary commercial component to advance that project since it would be building in front of it. He said that Richmond American, in its discussions with County staff, had become aware of the County's concerns regarding school funding and other impacts to services in the County and had generously offered a voluntary contribution of \$5,000 per lot to be earmarked for School Capital Funds. He pointed out that the Richmond American's proffer was especially generous in view of the fact that the property was already zoned residential and carried a cash proffer of only \$200 per lot. He stated that the agreement before the Board would provide the legal mechanism for this contribution, totaling \$465,000 over the course of the development.

Mr. Steve Massie, representing Richmond American, informed the Board that they had been involved in this development for approximately a year and felt it was appropriate for them and for the community to make a voluntary contribution to the Schools. He thanked the Board for its consideration.

Mr. Walker moved, seconded by Mrs. Hansohn, to accept the agreement based on approval of the 93-lot subdivision known as Center at Culpeper.

Mr. Maddox pointed out that the agreement stipulated that should the County not approve the subdivision, the obligations of Richmond American under this agreement were terminated. Mr. Rosenberger added that the subdivision would be considered at the Board's evening meeting and no one should consider this agreement as approval of that subdivision.

Mrs. Hansohn thanked Richmond American Homes for the donation.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

RE: ECONOMIC INCENTIVE AGREEMENT-LOWE'S HOME CENTER'S INC.

Mr. Carl Sachs, Economic Development Director, called the Board's attention to the Economic Incentive Agreement among the County, Lowe's Home Centers, and the Town of Culpeper's IDA. He stated that the Town's IDA was involved in the agreement as the vehicle to transfer the incentive of funds. He explained that under the agreement, Lowe's had agreed to make a \$10 million capital investment in building a new home center in Culpeper and to provide or create 100 full-time jobs and 25 part-time jobs, equating to a payroll in excess of \$2 million annually; and in return for Lowe's commitments, the County would agree to provide a performance-based incentive package wherein Lowe's would receive annually one-half of the local sales tax the County received from the store's sales. He said that if Lowe's did not meet its \$10 million investment or the job thresholds, the incentives would be reduced by the percentage that it failed in either of those counts. He stated that there were other significant benefits to the County as a result of this agreement and the construction of the store, such as the significant real estate taxes that would be generated, as well as the fact that the store would act as an anchor store to attract other stores to locate in the immediate vicinity. The store would project a very positive image of the community from an economic development standpoint. He asked for the Board's consideration and approval of the agreement.

Mrs. Smith questioned the use of the Town's IDA rather than the County's. Mr. Sachs stated that the County did not have an operable IDA at this point. Mrs. Smith asked what would be required to have a County IDA. Mr. Maddox replied that a County IDA had been approved, but the directors had not been appointed.

Mrs. Hansohn moved, seconded by Mr. Lee, to approve the Economic Incentive Agreement with Lowe's.

Mrs. Hansohn thanked Mr. Bossio, Mr. Sachs and Mr. Maddox for the work they had done to bring Lowe's to Culpeper.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

RE: ADDITIONAL REVENUE SHARING FUNDS

Mr. Egertson recapped that the Board discussed in April the County's eligibility to apply for \$200,000 in additional Revenue Sharing Funds, with a 50 percent local match of \$100,000 and 50 percent \$100,000 State match. He reviewed the different options he developed for the Board's consideration. He suggested one option would be a connector road from Route 522 to Route 729, which was part of a loop road around the Town; and the second option would be an interchange and connector road on Route 29 south between Routes 718 and 643, with the road connecting to Route 718. He pointed out that the zoning was in place and development was being considered on both sides of Route 29 which could impact the interchange project; and the connector road proposed for Route 729 to 522 was located in both the Town and County. He noted that it was VDOT's position not to provide any funding for any segment of the road located in the Town. He noted that VDOT had verified that both plans were viable, and it was acceptable to apply for funds to firm up the location and begin preliminary engineering to get either of the projects off the ground. He stated that the Board had the choice of earmarking \$200,000 toward one project or dividing the funds between the projects. He said that Mr. Donald Gore, VDOT Resident Engineer, preferred that the entire \$200,000 be used for one project because of the minimal amount of work that could be done if split, but Mr. Egertson felt it was a viable option to divide the funds. He said it was ready for the Board's consideration.

Mr. Walker inquired whether revenue sharing funds would be the faster way to accomplish the expediency needed for the interchange and connector road on Route 29 between Routes 643/718. Mr. Egertson agreed that would be the faster way to get something accomplished. He noted that a developer was ready to begin work on the north side of Route 29 and VDOT was helping to put together some alternatives and concept plans for the interchange and connector road. He stated he did not believe that the developer was interested in joining with the County on revenue sharing, but he needed to know what part of the property the County wanted.

Mr. Coates noted that the property had been sold in the 80's and had just been sitting

there until the County noted that the developer had started to dig perk sites. He said that the County had a consultant study this section of Route 29 several years ago and had recommended that these roads be brought together in the interest of safety. He added that if the property were developed at this time with no participation by the County, the County would be locked out, and he hoped that the Board would see fit to support this. He stated that the connector road from Route 522 to Route 229 also warranted consideration because those plans have been in place for some time and involved many meetings between Town and County officials and staff.

Mr. Walker asked whether there was any particular reason that Mr. Gore felt it would be better to use all of the funds for one project. Mr. Egertson replied that Mr. Gore's view was that not a lot could be accomplished by splitting the funds, but putting them all towards one project would provide some engineering.

Mr. Walker asked Mr. Coates for his opinion on whether splitting the \$200,000 and using \$100,000 for each project, would provide enough money for the Route 29 interchange/connector road to give the developer the proper information for the right-of-way, etc., so that the County would not be locked out. Mr. Coates replied that road costs had increased considerably over the years and would continue to increase, but he felt that some money should be put aside for preliminary engineering for the western loop road. But, he would like to see more than 50 percent of the funds used on Route 29 because of the timing and costs involved there.

Mr. Chase stated he would like to be reassured of the Town's commitment on the loop road prior to making a decision on County involvement. Mr. Egertson related his discussions with Town staff, in which they had indicated their willingness to delay other projects in order to move money toward the loop road if the Board committed to using revenue sharing for the County portion. He stated it was difficult for anyone to make an absolute commitment at this point, but he felt comfortable in stating this was the #1 priority for the Town.

Mr. Walker moved, seconded by Mr. Lee, to apply for the additional \$200,000 of revenue sharing funds from VDOT, with a \$100,000 local match, and that 75 percent of the funds be used for the interchange/connector road on Route 29 south between Routes 643 and 718, and 25 percent for the Town's loop road between Routes 522 and 729.

Mr. Coates stated that the revenue sharing funds would provide an opportunity for the County to indicate its commitment to the Town for the loop road between Routes 522 and 729, as well as get the State involved.

Mr. Rosenberger questioned whether the Town would provide additional funds to offset the difference. Mr. Egertson pointed out that it would be many years before construction could begin on the loop road, but the proposed revenue sharing funds would indicate the County's commitment for the project.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

RE: AWARD OF CONTRACT

Mr. Alan Culpeper, Director of Procurement, informed the Board that an RFP had been issued for radio communication consulting services, and he received three (3) responses. They are: CTA Communications, Robert L. Gimbel & Associates and RCC. He stated that the Evaluation Committee rated the submissions and recommended that the contract be awarded to CTA Communication. He reviewed the five major phases of the project and noted the estimated starting and completion dates. He said the total cost for the services was \$270,130. He noted that the estimated cost had been \$300,000, and he asked that the difference of \$20,870 be included for a contingency fund. He noted that this was the first step toward acquiring the County's state of the art radio system that would not only serve its citizens, but would be a valuable tool for the Sheriff's Office, Town Police, and Fire & Rescue. He asked that the contract be awarded to CTA Communication.

Mr. Chase questioned the need for the needs/analysis of the County since one had previously been done. Mr. Culpeper agreed that the County had a needs/analysis done three years ago, but the County had grown since that time and its radio requirements had changed. He noted that one consultant would not rely on another consultant's propagation studies.

Mr. Chase pointed out that the system specifications would not have changed. Mr. Culpeper explained that a review would be done on upgrading system specifications, and radio technology was constantly changing. He stated that a paging solution for the Fire & Rescue Association would be necessary.

Mr. Chase inquired how many spaces had been rented on the County's towers. Mr. Culpeper replied that the answer was "zero".

Mr. Walker asked whether CTA stood for anything and if it was related in any way to Motorola. Mr. Culpeper replied that CTA did not stand for anything in particular nor was CTA involved in any way with any of the past consultants. He added that one of the specifications in the RFP was that the consultant would be independent and not have any affiliation or

contact with any radio vendor.

Mr. Walker asked whether there was anything in particular outstandingly about CTA. Mr. Culpeper replied that CTA had earned 983 points out of a possible 1000 in the evaluation process, and it had done consulting throughout the Commonwealth, including work for Fauquier, Loudoun and Fairfax Counties.

Mr. Chase expressed his concern that the consultant had worked with Motorola in the past and asked Mr. Culpeper if he had information on the vendors who had been awarded contracts in the past. Mr. Culpeper stated that he did not have that information with him, but would provide it to him as soon as possible.

Several Board members commented on the rapidly changing technology. Mr. Maddox pointed out that generally in negotiations with vendors, arrangements were made that as the technology changed/improved, the contract would require that the system be upgraded. He stated that he would endeavor to include that requirement in the contract to ensure that the County's system would reflect the latest technology.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

RE: AWARD OF AUDITING SERVICES CONTRACT

Mr. Culpeper informed the Board that the County requested proposals for qualified certified public accountants to audit the County's financial statements for the period ending June 30, 2003, and the following the four years. He stated that proposals were received from Robinson, Farmer, Cox Associates; and Clifton Gunderson. After review, the Evaluation Committee found Robinson, Farmer, Cox Associates to be the most qualified firm. He asked that the Board award the contract to Robinson, Farmer, Cox Associates at a price of \$38,000.

Mrs. Hansohn moved, seconded by Mrs. Smith, to award the auditing services contract to Robinson, Farmer, Cox Associates.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

RE: COUNTY PORTRAIT INFORMATIONAL BOOKLET

Mr. Bossio reported that the Portrait Committee met on April 21st and was forwarding a recommendation to the Board of Supervisors that a portrait informational booklet be developed in order to capture each portrait, and outline its content, history, and location. He asked Mr.

Culpeper to discuss the cost of producing such a booklet.

Mr. Culpeper stated that he developed a sample page of a booklet, containing a brief history and the life story of each portrait. He said that a 32-page booklet, 5½ x 8½ “, on Williamsburg offset paper, would cost \$6,200 for 500 copies and \$6,600 for \$1,000 for color. He noted that using black and white would be approximately \$4,000.

After a lengthy discussion regarding the purpose and use of the booklet, it was determined that the booklet would be distributed to citizens and/or tourists who were interested in the portraits. There was also discussion regarding whether to charge for the booklets.

Mrs. Hansohn felt that the Tourism Advisory Committee would be the appropriate source to handle funding and distribution of the booklets. Mr. Chase and Mrs. Smith both agreed that it was a tourism issue.

Mrs. Hansohn asked where the portraits were located at the present time. Mr. Culpeper informed her that of the 21 portraits, 18 were in the Courthouse and three at the Culpeper Museum. Mrs. Smith pointed out that the portraits in the Courthouse would not be available while Court was in session.

Mr. Coates asked whether the booklet could be produced in-house. Mr. Culpeper stated that had been considered, but the County did not have that capability.

Mrs. Hansohn stated that the information did not have to be in booklet form, but could be in a pamphlet on each portrait and available in the same location as the portrait.

Mrs. Smith moved, seconded by Mrs. Hansohn, that the recommendation of the Portrait Committee be referred to the Tourism Committee for consideration and decision regarding the production and payment of such a booklet.

Mr. Walker suggested that the information on each portrait be included on the County's web site.

Mrs. Smith suggested that the Tourism Committee might consider gathering the portraits in one location for one day for a special event, such as a historic portrait show.

Mrs. Hansohn called the question.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

NEW BUSINESS

COMMITTEE REPORTS

PUBLIC WORKS – RESULTS OF RESIDENTIAL WELL SAMPLING NEAR LANDFILL

Mrs. Hansohn reported that the Public Works Committee met with residents living near the landfill at the New Salem Baptist Church on April 23rd to discuss the contamination at the Landfill and to provide an update on the results of sampling, etc. She noted that there were residents in attendance whose wells had been monitored for water levels, but had not been sampled, and they had expressed concern and unease about their wells. She asked that the County allow limited sampling of wells that had been monitored. She stated that Mr. Paul Howard, Director of Environmental Services, was available to elaborate and answer questions.

Mr. Coates noted that people in both the Salem and Catalpa District still have some concerns.

Mrs. Smith commented that these were people whose properties had been impacted by the location of the Landfill and there was some responsibility for the County to provide some peace of mind to these residents.

Mr. Walker asked who would determine which wells would be tested and noted that elements at the Landfill were only found in two residential wells. Mr. Howard stated that they initially sampled residential wells close to the Landfill for everything. He said that one residential well has something in it that had never been found in the Landfill, and the other had Freon that had been found at the Landfill. He said that Mrs. Hansohn had suggested to test only for things that had been found at the Landfill.

Mrs. Smith asked how many wells would be involved. Mr. Howard replied that it would be approximately 34, because 12 of the proposed 46 wells had already been sampled.

At Mr. Coates' suggestion, Mr. Howard provided a brief update on the results of the recent investigation of the additional wells around the Landfill. He said that the three additional wells installed on the western side came back clean, and they would be testing two additional wells on County property due to migration to the north and south.

Mr. Walker asked whether DEQ would view the additional testing as a positive step. Mr. Howard stated that DEQ had not asked the County to do the additional testing, but it would certainly be seen as a positive action.

Mrs. Hansohn moved, seconded by Mr. Walker, to proceed to monitor only those wells near the Landfill that had previously had the water levels tested.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

E-9-1-1 BOARD OF DIRECTORS/APRIL 17, 2003

Mrs. Hansohn reported that the E-9-1-1 Board met on April 17th and decided to have a joint meeting with Public Safety on April 24th. She stated that at the joint meeting, a discussion was held regarding the hiring of additional staff for the EOC, and a recommendation was made that two communications officers be included in the FY 04 budget. She noted that since that time, the Board had voted at its budget session to include two additional staff for the EOC. She questioned whether a vote on the recommendation would be necessary at this time in view of the full Board's action.

Mr. Maddox pointed out that the budget had not been appropriated as yet, but he did not see the need to take further action since the Board had approved the two positions.

Mrs. Smith stated that the issue may prove to be moot in any event since the EOC already had a number of vacant positions which could not be filled and any in excess of the present staffing level may prove to be difficult to fill as well.

Mr. Coates expressed the hope that some of these positions could be filled and the individuals trained and in place by the time the new system came online in December 2004.

See attachment #1 for details of the meeting.

PUBLIC SAFETY COMMITTEE/APRIL 17, 2003

Mrs. Smith reported that Public Safety met April 17th and requested additional information from staff regarding the Salem Volunteer Fire Department's offer to provide space for an EOC Backup Center. She said the Committee agreed to meet in a combined meeting with the E-91-1 Board on April 24th. She stated that a motion was made and approved at the joint meeting to keep the Backup Center at the Police Department in the space now occupied by the present EOC.

See attachment #2 for details of the meeting.

JOINT E-9-1-1 AND PUBLIC SAFETY/APRIL 24, 2003

Mr. Coates pointed out that the joint meeting had been addressed by Mrs. Hansohn and Mrs. Smith.

See attachment #3 for details of the meeting.

ECONOMIC DEVELOPMENT REPORT

Mr. Carl Sachs, Economic Development Director, presented a certificate of Proclamation Declaring Business Appreciation Week, May 11–17, 2003, for the Board's consideration. He said that the County had traditionally participated in supporting local businesses and invited the Board to attend a mixer sponsored by the County, Culpeper Chamber of Commerce and Department of Tourism on May 15th at 5:30 p.m. at Rosson and

Trolio Motor Company at Brandy Station. He read the proclamation into the record:

***CERTIFICATE OF RECOGNITION
BUSINESS APPRECIATION WEEK***

WHEREAS, the County of Culpeper is pleased to have a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses provide essential employment opportunities for the citizens of Culpeper; and

WHEREAS, these businesses provide local revenues from which the entire local citizenry benefits; and

WHEREAS, these businesses also make significant contributions in our communities to promote educational opportunities for our children and promote a variety of activities which increase the quality of life of the area; and

WHEREAS, we recognize and appreciate these businesses;

NOW, THEREFORE, we the County of Culpeper hereby recognize our existing businesses, and by virtue of this proclamation give notice to our citizens that the businesses in the County of Culpeper are exemplifying this year's theme of "Success Starts Here".

AND, that the week of May 11-17, 2003 is **BUSINESS APPRECIATION WEEK** in CULPEPER COUNTY.

Done, this 6th day of May, 2003.

/s/ John F. Coates
John F. Coates, Chairman

Mr. Walker moved, seconded by Mr. Lee, to approve the proclamation as presented.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Sachs informed the Board that he attended a meeting of the Town Planning Commission in an effort to ensure that planning efforts were being communicated between the Town and County and that economic development was being supported by the Town Planning Commission.

AIRPORT ADVISORY COMMITTEE

Mr. Bossio reported that the Airport Advisory Committee met on April 9, 2003 and there were no action items to bring forward.

ADMINISTRATOR'S REPORT

Mr. Bossio reported that he had proceeded with discussing the Leased property on

Route 666 with Mr. Greg Smith, and Mr. Smith was waiting to hear from the Board regarding what portion of the property he would be able to lease. Mr. Bossio distributed a sketch of the property and asked Mr. Barrett to report on his discussions with Mr. Smith.

Mr. Barrett stated that Mr. Smith had visited him and looked at the plans for the site. Mr. Barrett thought that leasing the left side of the Complex would not have any impact on development on the right side and gave him permission to start farming that area.

Mr. Chase asked for the specific locations. Mr. Bossio stated that the areas marked N-1, N-3, N-9, and N-9A were the sections Mr. Smith was interested in, and he felt that these sections would not impose any restriction on development of the Complex.

Mrs. Smith asked whether this corresponded with the lease just signed with Mr. Smith. Mr. Bossio stated that Mr. Smith approved the lease, but he had not signed it.

Mr. Coates asked who would be responsible for bush hogging the remainder of the property. Mr. Barrett stated that the County would be responsible for keeping the remainder clean.

Mr. Coates inquired whether the contract was on a fiscal year or calendar year basis. Mr. Bossio stated that it would run through a concurrent time period, which he believed was through November or early December. Mr. Coates stated he would like to see it cover the fiscal year so that Mr. Smith could use the property until next spring to harvest his crops.

Mrs. Hansohn moved, seconded by Mr. Walker, to approve the contract.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Motion carried 7 to 0.

CLOSED SESSION

Mr. Chairman, Mr. Walker moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) prospective candidates for appointment to the Social Services Board; (B) prospective candidates for reappointment and appointment to the Parks & Recreation Advisory Committee; (C) potential nominees for appointment to Disability Services Board; and (D) prospective candidates for appointment to the Town & County Joint Board of Zoning Appeals
2. Under *Virginia Code* §2.2-3711(A)(7), to consult with the County Attorney regarding probable litigation concerning specific real property where such discussion in an open meeting would adversely affect *the County's position in negotiation and/or litigation*.

3. Under *Virginia Code* §2.2-3711(A)(7), to consult with the County Attorney regarding probable litigation concerning enforcement of the County Zoning Ordinance against a specific County landowner where such discussion in an open meeting would adversely affect the County's position in negotiation and/or litigation.
4. Under *Virginia Code* §2.2-3711(A)(7), to consult with the County Attorney regarding probable litigation concerning the use of specific County property where such discussion in an open meeting would adversely affect the County's position in negotiation and/or litigation.
5. Under *Virginia Code* §2.2-3711(A)(7), to consult with the County Attorney regarding a disputed contract claim requiring the provision of legal advice.
6. Under *Virginia Code* §2.2-3711(A)(7), to consult with the County Attorney regarding specific legal issues relating to the landfill.
7. Under *Virginia Code* §2.2-3711(A)(5), to consult with the County staff regarding a prospective new business coming to Culpeper which has not previously been publicly announced.

Mrs. Smith seconded the motion.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

The Board entered into closed session at 12:15 p.m.

Mr. Coates recessed the closed session at 1:00 p.m. for lunch break.

The Board reconvened into closed session at 2:30 p.m.

The Board returned to open session at 4:50 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show that Mr. Chase left during closed session.

Ayes - Walker, Lee, Coates, Smith, Rosenberger, Hansohn.

Absent - Chase

Motion carried with 6 ayes.

Mrs. Smith moved, seconded by Mr. Walker, to recess the closed session until after the 7:00 p.m. meeting.

Mrs. Smith moved, seconded by Mr. Walker, to recess the closed session until later in the evening.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

The meeting was recessed at 5:00 p.m.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk to the Board

APPROVED: June 3, 2003

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, MAY 6, 2003.

Board Members Present: **John F. Coates, Chairman**
 Steven L. Walker, Vice-Chairman
 William C. Chase, Jr.
 Sue D. Hansohn
 James C. Lee
 Brad C. Rosenberger
 Carolyn S. Smith

Staff Present: Frank T. Bossio, County Administrator
 J. David Maddox, County Attorney
 John C. Egertson, Planning Director

Sam McLearen, Zoning Administrator
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. John Coates, Chairman, called the meeting to order at 7:00 p.m. and announced that the Board recessed its morning meeting and needed to re-enter closed session.

Mr. Rosenberger moved, seconded by Mrs. Smith, to re-enter into closed session under motions previously stated.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Nay – Chase

Motion carried 6 to 1.

The Board re-entered closed session at 7:01 p.m.

The Board returned to open session at 7:20 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates called for voice vote.

Ayes – Chase, Walker, Lee, Coates, Smith, Rosenberger, Hansohn

Motion carried 7 to 0.

RE: APPOINTMENT TO SOCIAL SERVICES BOARD

Mr. Walker moved, seconded by Mrs. Hansohn, to appoint Michael Gray to serve on the Social Services Board.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee Rosenberger, Smith, Walker

Motion carried 7 to 0.

RE: APPOINTMENT TO PARKS & RECREATION ADVISORY COMMITTEE

Mr. Walker moved, seconded by Mrs. Hansohn, to appoint Barbara Clatterbaugh to serve on the Parks & Recreation Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee Rosenberger, Smith, Walker

Motion carried 7 to 0.

RE: AMENDMENT TO DELRO AGREEMENT

Mr. Walker moved that the County's lease offer to Delro be amended from last year's lease for an amount of \$15,000, and that the season be from now until November 30, 2003.

Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee Rosenberger, Smith, Walker

Motion carried 7 to 0.

Mr. Coates recessed the meeting.

CALL TO ORDER

Mr. Coates called the evening meeting to order at 7:20 p.m.

CITIZEN FORUM

Mr. Coates called for comments on any item that was not on the agenda.

Mr. Aaron Greso, West Fairfax, addressed the Board regarding the growth being experienced in the County and cited several sections from the **Code of Virginia** that provided an authority and basis for a locality to enact a Community Development Authority. He asked the Board to consider enacting a Community Development Authority Ordinance to help the County grow in a more balanced manner.

With no further public comments, Mr. Coates closed the Citizen Forum.

RE: AGENDA ADDITIONS AND/OR DELETIONS

Mr. Walker moved, seconded by Mr. Lee, to approve the agenda as published.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee Rosenberger, Smith, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

RE: APPROPRIATION RESOLUTION FOR FISCAL YEAR 2003-2004

Mr. Bossio informed the Board that the Appropriations Resolution for fiscal year 2003-2004 was prepared based on the \$.81 cents tax rate recently adopted by the Board.

Mrs. Smith stated that earlier in the day the Board approved a budget amendment for the School System for additional State revenue received due to increase in ADM (average daily membership) in the amount of \$578,692, and asked if those monies were included in the budget.

Mrs. Lamb, Finance Director, responded that those monies were for FY 03 due to an

increase in enrollment to 6,013, and the budget just adopted was based on 6,263 students, which reflected an increase of 263 students.

Mrs. Hansohn moved, seconded by Mr. Lee, to approve the Appropriations Resolution for fiscal year 2003-2004.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee Rosenberger, Smith, Walker

Motion carried 7 to 0.

UNFINISHED PLANNING COMMISSION BUSINESS

ASHMEADE VILLAGE – 12 LOT SUBDIVISION. Request by Greengael, LLC for approval of a 12-lot subdivision. The property is located on Route 720 in the Cedar Mountain Magisterial District and contains 95.737 acres. Tax Map/Parcel No. 50/35D.

Mr. John Egertson, Planning Director, informed the Board that a request had been received from the applicant for a deferral to the next Board meeting in June, and stated that he did not have any objections to the request.

Mr. Coates opened the public hearing and called for public comments.

Mr. Jim Carson, representing the applicant, asked for the Board 's consideration to extend the case for one month at the request of his client.

Mr. Aaron Greso, West Fairfax, asked the Board not to postpone the case, but to take action tonight and deny.

Mr. Lee moved, seconded by Mr. Rosenberger, to approve the applicant's request and postpone for thirty (30) days or until the next Board meeting.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee Rosenberger, Smith, Walker

Motion carried 7 to 0.

NEW PLANNING COMMISSION BUSINESS

CASE NO. U – 2001-03-1. Request by Jackie D. and Marion F. Plaster for approval of a use permit to construct a special design sewage treatment system for a single-family dwelling. The property is located on Route 676 in Stevensburg Magisterial District and contains 1.68 acres. Tax Map/Parcel No. 34/32A.

Mr. Sam McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found this application to be consistent with Chapter 14 of the County Code and Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that this

use permit be approved for a period of five (5) years.

Mr. Egertson displayed a tax map that highlighted the location of the property and informed the Board that the Health Department had issued a permit for this special design sewage treatment system. He said it would serve an existing vacant lot that was not otherwise buildable for a traditional drainfield and there was no site for a discharging system. It was ready for the Board's consideration and recommended for approval.

Mr. Plaster, applicant, was present to answer any questions the Board may have. There were none.

Mr. Coates opened the public hearing and called for public comments.

There were none and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation and approve the use permit for a period of five (5) years.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee Rosenberger, Smith, Walker

Motion carried 7 to 0.

RIXEYVILLE LAKES – 11 LOT SUBDIVISION. Request by Matt Iten for approval of an 11-lot subdivision. The property is located on Route 229 in the Jefferson Magisterial District and contains 40.56 acres. Tax Map/Parcel No. 21/70 (portion).

Mr. McLearn informed the Board that the Planning Commission had considered the case and a public hearing was held. He said that the Planning Commission found the application to be in compliance with the Subdivision Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that this subdivision be approved.

Mr. Egertson displayed a preliminary subdivision plan that highlighted the location of the proposed subdivision and noted that the plan carried approval from the Health Department, VDOT, and the Soil & Water Conservation District. He said all the lots were in compliance with the County's Zoning & Subdivision Ordinances. The only issue with this proposed subdivision was that the length of the proposed cul-de-sac exceeded the normal length of 1000 feet. The proposed cul-de-sac was approximately 1,190 feet in length; however, that provision under the ordinance is waivable by the Board of Supervisors. The proposed subdivision had been endorsed by the Planning Commission based upon the fact that shortening of the cul-de-sac would result in pretty much the same subdivision except for a few less attractive lots, and the Commission felt that the longer road would enable the

subdivision to carry a better design. He said it was recommended for approval and ready for the Board's consideration.

Mr. Aubrey Rozell, representing the applicant, said all agency approvals had been received and requested the Board's approval.

Mr. Rosenberger asked if it would have any effect on the number of lots if the 190 feet variance was not allowed. Mr. Rozell said it would not affect the number of lots. He said there were two alternatives they would be willing to try before seeking a variance and explained in detail the two alternatives.

Mr. Coates opened the public hearing and called for public comments.

There were none and Mr. Coates closed the public hearing.

Mr. Rosenberger moved, seconded by Mr. Lee, to accept the Planning Commission's recommendation and approve the request

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2002-03-1. Request by Stephen J. Lane, Jr. for approval of a use permit to allow the construction of a tenant unit. The property is located on Route 634 in the Salem Magisterial District and contains 33.72 acre. Tax Map/Parcel No. 28/17.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that this use permit be approved.

Mr. Egertson displayed a tax map that highlighted the location of the property, which was located on Route 634, Griffinsburg Road. He explained that the applicant proposed to construct a second dwelling unit on the parcel without subdividing it. This dwelling would be the applicant's primary residence, and the applicant's son would reside in the existing dwelling. It was recommended for approval and ready for the Board's consideration.

Mr. Lane, applicant, was present representing the request.

Mr. Coates opened the public hearing and called for public comments.

There were none and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation and approve the use permit.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee Rosenberger, Smith, Walker

Motion carried 7 to 0.

CENTRE AT CULPEPER – 93 LOT SUBDIVISION. Request by Richmond American Homes of Virginia, Inc. for approval of a 93-lot subdivision. The property is located on Route 694 and Route 666 in the Stevensburg Magisterial District and contains 70 acres. Tax Map/Parcel No. 41/71.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found this application to be in compliance with the Subdivision Ordinance. He said that the Planning Commission was recommending to the Board that this subdivision be approved.

Mr. Egertson displayed the proposed preliminary plan that highlighted the location of the proposed subdivision. He informed the Board that the proposed layout carried approval from VDOT and the Soil & Water Conservation District, and that Town water and sewer service was proposed for the property. He said there was one issue that he wanted the Board to be aware of should the Board see fit to approve. He explained that VDOT has expressed preference that the connection to Ira Hoffman Lane be shifted to the south. Unfortunately, this connection would require additional right-of-way from property that the applicant does not control. The applicant has agreed to work with VDOT in an effort to resolve this issue as part of the final road construction plans. The number of lots would be unaffected and the layout would change slightly and he felt that this issue could be handled in the final engineering plan. This case would still go through road construction plans and would require final approval by staff prior to its recommendation to the Board of Supervisors. He said it was being recommended for approval and ready for the Board's consideration.

Mr. Coates asked Mr. Egertson to explain why it was impossible at this time to realign the entrance road with the road across the street. Mr. Egertson explained the issue in detail and stated that the engineer had prepared several re-alignments that would line up at an 80 degree skew as opposed to 90 degrees. He stated that VDOT was reviewing that possibility and would determine whether or not they wanted to take that route. This issue could not be worked out in advance, but he felt it could be worked out as part of the final approval.

Mr. Steven M. Massie, representing the case, stated that additional plans along the northern border needed to be developed based on some concerns expressed. The inner connection between Ira Hoffman Lane and Bradford Road would be a "no parking" street. With that knowledge, it was anticipated to develop those lots with a 2-car garage and it would

be a 2-car driveway, thus eliminating any opportunity for anyone to park along that boulevard. A right-turn lane was also included from Bradford Road and Ira Hoffman Lane under the existing plan as long as additional right-of-way did not have to be obtained or any right-of-way relinquished. He informed the Board that based on the proximity of the property to the High School and Middle School, it was anticipated to install a sidewalk on the northern boundary of the inter-connector, pending approval from VDOT. Hopefully, this would remove some walking traffic off the inter-connector.

Mr. Coates opened the public hearing and called for public comments.

Rev. Steve Warner, minister of First Christian Church, located along Ira Hoffman Lane, expressed concern there would be increased traffic on Ira Hoffman Lane and asked how it would impact the members of the church exiting the church's parking lot.

Aaron Greso, West Fairfax District, expressed concern regarding the additional traffic the development would create at the Route 29/15 intersection.

Mr. Coates asked Mr. Egertson to address Rev. Warner's concern of the impact this development would have on the church. Mr. Egertson stated that he was not certain he had any specific comments; however, Ira Hoffman Lane with its connection to Route 229 would certainly carry traffic bound for this development and the commercial traffic that the development would eventually carry. Mr. Egertson felt that the morning and evening traffic from this particular development would be traveling north/south on Business 29.

Mr. Coates addressed the alignment of the streets and asked Mr. Egertson if he could see that becoming a reality. Mr. Egertson said he felt that this issue could be worked out with VDOT pending the ability to obtain additional right-of-way.

Mr. Walker asked Mr. Egertson if he recalled when the property was rezoned. Mr. Egertson said he thought it was around 1996. Mr. Walker noted that it was a by-right use at this time. Mr. Egertson confirmed that the proposed subdivision was a by-right use.

Mr. Coates asked Mr. Egertson if he had any objections to the sidewalk being installed. Mr. Egertson responded that the road was designed as a curb and gutter road on a 50-foot right-of-way, and he was in favor of a sidewalk being installed on the primary boulevard. He noted that VDOT would not maintain sidewalks, and to fit a sidewalk into the development, the sidewalk would have to be on VDOT's right-of-way. He felt as long as VDOT did not object to it being on their right-of-way, he had no objections. Mr. Coates asked if a sidewalk was planned on Ira Hoffman Lane. Mr. Egertson replied that it was not.

Mr. Chase moved, seconded by Mr. Walker, to accept the Planning Commission's recommendation and approve the subdivision.

Mr. Coates pointed out that the church traffic would be at off-peak time as far as the commercial segment was considered. He spoke in favor of a sidewalk along Ira Hoffman Lane at some future date.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

ADJOURNMENT

Mrs. Smith moved to adjourn the evening meeting at 7:54 p.m.

Mr. Rosenberger pointed out there was a need to adjourn the day meeting; otherwise the Board would stand in recess. Mr. Coates apologized for the mistake and asked Mrs. Smith to adjourn the day meeting.

Mrs. Smith moved to adjourn the day meeting.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk to the Board

APPROVED: June 3, 2003